

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 76840

Rita K. Smith

3110 East Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 25, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A; Baltimore County Code (BCC) section 13-7-115, 13-7-310, 312; 13-7-40, failure to remove brush and debris and to discard household goods, failure to cut grass and maintain to 3 inches or less on residential property zoned DR 5.5 known as 3110 East Avenue, 21234.

On May 11, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Keith Parker issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,800.00 (one thousand eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 3, 2010 for removal of trash and debris from property, cut and remove tall grass and weeds. This Citation was issued on May 11, 2010. Both notices were posted on the property and mailed to the owner of record. Court records show the property in foreclosure proceedings, and tax records show a new owner, OCWEN Loan Servicing LLC. Posting of the notices on the property is sufficient notice for the property owner. BCC 3-6-203, BCC 3-6-205.

B. Photographs in the file from May 3, 2010 and May 11, 2010 show large piles of furniture, household items, debris and trash in the yard of this residential property. Re-inspection on May 24, 2010 found that most of the furniture and household items had been removed, but some piles of trash and debris remain in the yard. Photographs show a pile of junk and debris including lumber and plywood, concrete blocks, carpeting, and household items. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to clean up the property at the owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by June 24, 2010.

IT IS FURTHER ORDERED that after June 24, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 2<sup>nd</sup> day of June 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer